

Message Text

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E. O. 11652: GDS

TAGS: PINT, UY

SUBJ: MILITARY JUDGE REQUESTS REMOVAL OF CONGRESSIONAL
IMMUNITIES OF SENATE CRITIC

CINCSO FOR POLAD

REF: MVD 583

1. MILITARY JUDGE WHO HAS BEEN INVESTIGATING CHARGES OF COLORADO SENATOR AMILCAR VASCONCELLOS THAT ARMED FORCES SEEKING TO OVERTHROW CIVILIAN INSTITUTIONS, YESTERDAY (MARCH 8) SIGNED REQUEST FOR LIFTING OF SENATOR' S CONGRESSIONAL IMMUNITIES. JUDGE' S REQUEST WAS BASED ON HIS DECISION THAT VASCONCELLOS' CONTINUING DENUNCIATIONS OF ACTIONS AND MOTIVES OF ARMED FORCES CONSTITUTE, " ATTACK UPON THE MORAL AUTHORITY OF THE ARMED FORCES", A CRIME UNDER THE MILITARY CODE.

2. SEVERAL MORE STEPS MUST OCCUR BEFORE SENATE WILL BE FORMALLY CONFRONTED WITH JUDGE' S REQUEST. IT MUST FIRST BE PASSED UPON BY THE SUPREME MILITARY TRIBUNAL, THEN THE MINISTER OF DEFENSE AND, FINALLY, BE APPROVED AND TRANSMITTED TO SENATE BY PRESIDENT BORDABERRY. IT IS LIKELY TO TAKE SEVERAL DAYS TO A WEEK BEFORE THE FINAL DISPOSITION OF JUDGE' S REQUEST IS KNOWN.

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3. COMMENT: IT IS DIFFICULT TO VIEW THIS LATEST ACTION BY MILITARY AUTHORITIES IN ANY OTHER LIGHT THAN A PROVOCATION TO EITHER THE PRESIDENT OR THE CONGRESS OR BOTH. WHILE IT IS POSSIBLE THAT SENIOR MILITARY AUTHORITIES COULD ATTEMPT TO TAMP DOWN THIS LATEST SOURCE OF CIVILIAN/ MILITARY FRICTION BY OVERRULING THE JUDGE' S REQUEST, THIS WOULD BE CONTRARY TO THEIR PREVIOUSLY- ANNOUNCED DECISION NOT TO PERMIT FURTHER PUBLIC CRITICISM OF THE TYPE LEVELED BY VASCONCELLOS (MVD 377). SUCH A DECISION WOULD PROBABLY BE TAKEN AS AN INDICATION OF THE MILITARY' S STEPPING BACK FROM A CONFLICT WITH CIVILIAN LEADERSHIP, AN ATTITUDE CERTAINLY AT VARIANCE WITH THEIR AGGRESSIVE AND DETERMINED ACTIONS OF THE PAST SEVERAL MONTHS. THE JUDGE' S CHARGE AGAINST VASCONCELLOS IS THE SAME AS THAT USED BY THE MILITARY TO ARREST COLORADO POLITICAL LEADER JORGE BATLLE IN LATE 1972. HOWEVER, THE TOUCHY AND SENSITIVE POINT OF CONGRESSIONAL IMMUNITIES HAS NOW BEEN RAISED. NO ONE, CIVILIAN OR MILITARY, WITH WHOM WE HAVE SPOKEN IN THE PAST TWO WEEKS, BELIEVES THAT THE SENATE WOULD VOTE TO LIFT VASCONCELLOS' IMMUNITIES. IT LIKewise NOT CLEAR WHAT ATTITUDE THE PRESIDENT WOULD TAKE IF AND WHEN HIS APPROVAL OF JUDGE' S REQUEST IS SOUGHT. A NEGATIVE RESPONSE BY EITHER THE PRESIDENT OR THE CONGRESS COULD CAUSE A NUMBER OF EXPLOSIVE REACTIONS WITHIN THE ARMED FORCES, SUCH AS THE ARREST OF VASCONCELLOS AND/ OR THE FORCED CLOSURE OF THE LEGISLATURE. THE IDEAL SOLUTION, IN TERMS OF PRESERVING THE STABILITY OF THE CURRENT SITUATION, WOULD BE FOR " FACE SAVING" MEANS OF SWEEPING THIS MATTER UNDER THE POLITICAL RUG. HOWEVER, ALTHOUGH THE ARMED FORCES LEADERSHIP IS UNDOUBTEDLY AWARE OF THE POSSIBLE SERIOUS CONSEQUENCES OF A MOVE AGAINST VASCONCELLOS, THEY APPEAR WILLING TO MOVE AHEAD ON THIS IMMEDIATE PROBLEM AND DEAL WITH FUTURE CRISES ON AN " AD HOC" BASIS AS THEY DEVELOP. IT IS DISTURBING TO REMEMBER THAT IT WAS A SIMILAR CHAIN OF UNANTICIPATED, AT TIMES ALMOST ACCIDENTAL, EVENTS WHICH LED TO THE VERY SERIOUS CONFRONTATION OF 9-12 FEBRUARY.

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